

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Curtis Jerome Lytle,)	
)	
)	Civil Action No. 5:16-02277-TMC
Plaintiff,)	
)	
vs.)	ORDER
)	
Charles Samuels, Jr.; Christopher)	
Zych; Curtis Mabe; and Dale Rupert,)	
)	
Defendants.)	
)	

Plaintiff Curtis Jerome Lytle, proceeding pro se, filed this action pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). (ECF No. 1, Compl.). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the Magistrate Judge's Report and Recommendation ("Report"), recommending that Plaintiff's motion to proceed in forma pauperis (ECF No. 2) be denied. (ECF No. 8). Plaintiff was advised of his right to file objections to the Report. (ECF No. 9 at 4). Plaintiff has not filed any objections and, the time to do so has now run.¹

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court need not conduct a de novo review when a party makes only "general and

¹The court notes that Plaintiff has filed an identical action in this court, C/A No. 5:16-cv-1784, and he also filed a motion to proceed in forma pauperis in that action. (C/A No. 5:16-cv-1784, ECF No. 2). The Magistrate Judge filed a Report in that action recommending the denial of Plaintiff's motion and Plaintiff filed objections to that Report. (C/A No. 5:16-cv-1784, ECF Nos. 8 and 10). However, the court overruled Plaintiff's objections and adopted the Report in that action. (C/A No. 5:16-cv-1784, ECF No. 14). Rather than pay the filing fee in both cases, Plaintiff may wish to proceed with only one of the identical actions.

conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). In that case, the court reviews the Report only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a thorough review of the record in this action, the court adopts the Magistrate Judge's Report (ECF No. 8) and incorporates it herein. It is therefore **ORDERED** that Plaintiff's motion to proceed in forma pauperis is **DENIED**.

Accordingly, Plaintiff shall have thirty-one (31) days to pay the \$400 fee (filing fee plus administrative fee), or this case will be dismissed. If Plaintiff pays the fee, this action should be recommitted to the Magistrate Judge for further initial review.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

September 12, 2016
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.